THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.12987 of 2007

Dated:25.06.2007

Between:

P.Ravi Kumar, S/o.P.Chennaiah, and another.

…Petitioners

and

The Chief Executive Officer, Zilla Parishad,
Kurnool District, Kurnool, and another.

…Respondents

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ORDER:

The two petitioners participated in the auction conducted by the respondents for allotment of shops in Zilla Parishad compound. An amount of Rs.2,00,000/- was fixed as goodwill amount and monthly rent of Rs.5,000/- for a shop in the ground floor and Rs.4,000/- in the first floor was fixed. The petitioners became successful bidders, and their tenders were accepted. The petitioners deposited the amount within a week as per tender conditions. Petitioners allege that as per the tender conditions, the first respondent was required to construct the shops by October 2006, but so far construction has not been completed, and the shops are not handed over. Therefore, they filed the instant Writ Petition seeking a writ of mandamus declaring the action of the respondents in not discharging their duties and also taking steps to cancel the allotment of shops, as illegal and arbitrary.

It is the case of the petitioners that having noticed that construction was not completed, they got issued a legal notice dated 22.12.2006, and after receiving the same, the first respondent issued cheques to the petitioners thereby refunding/returning the amount paid by the petitioners for allotment of shops. This only shows that the first respondent has put an end to the contract between the respondents and the petitioners. This was done, presumably, because the Zilla Parishad could not take up the

construction, and the contract frustrated. Secondly, the petitioners have not placed before this Court any law which castes obligation on Zilla Parishad to complete the construction. Indeed, Condition No.6 of tender conditions is to the effect that the power to cancel the tenders is reserved to the Zilla Parishad.

In that view of the matter, the Writ Petition is misconceived, and is accordingly dismissed. If so advised, the petitioners may approach the civil Court for necessary relief. No costs.

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(V.V.S.RAO, J)

25.06.2007
vs